

En Banc

Vol. 4, No. 3
December 1999

Newsletter of the Superior Court Law Library

CONTENTS:

<i>Law Library News</i>	1
<i>Law Library Web Page</i>	1
<i>New Photocopiers</i>	1
<i>Library Staff</i>	1
<i>Superior Court Update</i>	2
<i>Internet Resources</i>	2
<i>Web Site Reviews</i>	2
<i>Publications of Interest on the Internet</i> ..	3
<i>In the Courts</i>	4
<i>New in the Library</i>	5
<i>Book Reviews</i>	5
<i>Recent Articles: Death Penalty Cases</i> ...	6
<i>Bibliography: Unified Family Courts</i> ...	7
<i>Contributors</i>	9

Law Library News

❑ Law Library Web Page

On February 1st, the Law Library will be changing the means of access to several databases currently available from the Library's web page. As of that date, access to *LOIS* and *ComputerSelect Web* will require users to have a current Law Library card. The Library's web page will direct users to a logon screen, and the bar code number imprinted on the card will have to be entered as the user's logon ID.

LegalTrac, which already requires entry of a Library card bar code number, will be included in the new access procedure. The user names and passwords for *LOIS* and *ComputerSelect* currently appearing on the Library's web page will no longer be valid after February 1.

This new access method will allow the Library to continue to offer its users access to these databases, and to offer access to additional databases in the future.

If you have any questions about the change in access or about acquiring a Library card, please contact the Information Desk staff, at 602-506-3945.

❑ New Photocopiers

The Library has completed installation of new digital photocopiers in both the main downtown facility and the Southeast branch.

These new copiers provide improved reliability, image quality, and copying features, and also faster document

copying speeds. All photocopying services prices remain the same as they were previously.

Keep in mind that the new photocopiers use a different copy card than the *Vendamat* copy cards used with the Library's old, replaced machines. One of the old photocopiers is still available on the 2nd Floor at the downtown Library, and will accept the older *Vendamat* copy cards.

As part of these improvements, the Library now also has a digital color photocopier and laser printer available, for those who may need to make color copies. Please ask Information Desk staff for further details.

❑ Library Staff

Loida Guteirrez, a Phoenix native, joined the staff earlier this month as a Law Library Aide. Loida is currently attending Arizona State University, working on a M.A. in Spanish Literature and Translation Studies. She also teaches Spanish at both A.S.U. and Phoenix College.

Loida worked at the County Attorney's Office for several years before entering graduate school. Her interests include reading, cooking, meeting interesting people and drinking coffee with friends in the evening at the Coffee Plantation or Starbucks.

Superior Court Update

Bethany G. Hicks graduated from Vassar College in 1973, earned an M.Ed. in Early Childhood Development from Boston University in 1975 and received her J.D. from

En Banc

Newsletter of the
Superior Court Law Library

Superior Court Law Library
101 W. Jefferson
Phoenix, Arizona
85003

(602)506-3945 (phone)
(602)506-3677 (fax)

services@smtpgw.maricopa.gov

the Arizona State University School of Law in 1984. She practiced privately in Scottsdale and Paradise Valley from 1984 through 1991, concentrating primarily in domestic relations matters.

In 1992, she was appointed as a Superior Court Commissioner and a Judge Pro Tem and subsequently presided over domestic relations, probate and juvenile calendars. In 1995, she was appointed as the first Special Assignment Commissioner, in which capacity she presided over both bench and jury trials involving civil, criminal, and tax matters. She was appointed as a Superior Court Judge in March of 1999.

Judge Hicks is active in Valley Leadership of Phoenix and Teach for America. She is on the steering committee of AWLA and volunteers regularly at Ronald McDonald House of Phoenix and St. Mary's Food Bank.

Internet Resources

□ Web Site Reviews

Jurisline

<http://www.jurisline.com/>

Jurisline, the latest website to provide case law and other legal materials, offers something new: federal district court opinions in a free electronic format. Until now, fee-based services such as *Westlaw* and *Lexis* provided the only electronic access to these opinions.

Jurisline, which is still in beta testing, according to the site owner, offers searching by citation or by keyword. A searcher may use boolean operators (and, or, not), or require proximity by using quotation marks around phrases or designating how many words may separate the keywords. For example, typing *search and seizure* would find the two keywords anywhere in a document. "*Search and seizure*" would find the keywords only as a phrase, and

search /5 seizure would find the two keywords only when they occur within five words of each other.

Case law is currently available for the U.S. Supreme Court, all circuit courts and district courts, and several states (but not Arizona). A user may search all federal databases at once, or select a single circuit. Other features include the *U.S. Code*, business resources such as *Edgar*, corporation forms, and a database for stock quotes, and links to top news stories.

The major problem in using *Jurisline* is currency. Case law is available through the end of 1998 for most jurisdictions, but 1999 is not yet available. For district court opinions, that means only *Lexis* and *Westlaw* can provide electronic versions of the cases. For other opinions, the Law Library's databases, *LOIS* (an Internet fee-based database) and Internet web pages will provide more currency than *Jurisline*.

A second potential problem is judging the accuracy and reliability of *Jurisline*. Unlike West, Lexis, and other long-time legal publishers, the user cannot rely on the company's reputation to determine whether a document is accurate. *Jurisline* has announced that it will launch its official site very soon. The launch will involve a large-scale informational and marketing campaign. Perhaps when the site is officially unveiled, some of these questions will be answered.

United Nations Interregional Crime & Justice Research Institute (UNICRI)

<http://www.unicri.it/>

The *United Nations Interregional Crime & Justice Research Institute* (UNICRI) was established in 1968 (initially as the United Nations Social Defence Research Institute), and is located in Rome, Italy. UNICRI is funded by voluntary contributions from international organizations, governments and other public and private institutions to the *United Nations Crime Prevention and Criminal Justice Fund*, and is governed by a Board of Trustees under the guidance of the *United Nations Commission on Crime Prevention and Criminal Justice*. Originally intended to conduct comparative research in support of the *United Nations Crime Prevention and Criminal Justice Programme*, UNICRI was reconstituted in 1989 to "contribute, through research, training, field activities and the collection, exchange and dissemination of information, to the formulation and implementation of improved policies in the field of crime prevention and control."

The UNICRI web site provides access to the *LMS Bibliographic Collection*, an extensive catalog of materials on adult crime, juvenile delinquency, crime prevention and control, and related social problems such as drug abuse. The LMS database includes references to materials from over 6000 authors, 300 series and 600 publishers, and has well-designed searching and search results interfaces. The database can be searched by author, title, publisher, series, keywords, and publication year, and allows for display of search results in eight different bibliographic formats.

A second UNICRI database, the *World Directory of Criminological Resources*, affords access to a directory of over 470 criminological institutes in 70 countries.

This site also provides the *UNICRI*

Thesaurus, the UNICRI Documentation Services' documentation index keywords, and lists UNICRI publications since 1968, some of which are available from the web site in full text.

❑ Publications of Interest on the Internet

Postconviction DNA Testing: Recommendations for Handling Requests

<http://www.ncjrs.org/txtfiles1/nij/177626.txt>
<http://www.ncjrs.org/pdffiles1/nij/177626.pdf>

In 1998, the National Institute of Justice (NIJ) created the *National Commission on the Future of DNA Evidence*, at the request of Attorney General Janet Reno. The Attorney General requested that the Commission be created in response to the 1996 NIJ research report *Convicted by Juries, Exonerated by Science: Case Studies in the Use of DNA Evidence to Establish Innocence After Trial*, which presented case studies of 28 inmates who were subsequently exonerated through the use of DNA evidence after they had been convicted and imprisoned. The commission's charge was to "submit recommendations to the Attorney General that will ensure more effective use of DNA as a crimefighting tool and foster its use throughout the entire criminal justice system."

Postconviction DNA Testing is a report from the *Postconviction Issues Working Group*, one of five working groups set up by the Commission. The group was chaired by Superior Court Associate Presiding Judge Ronald Reinstein.

The report recognizes at the outset that DNA testing not only helps to convict, but to exonerate: a 1995 survey of testing laboratories, reported in *Convicted by Juries*, indicated that DNA testing excluded suspects in a quarter to a fifth of cases. More recent, sophisticated technology also makes it possible to obtain conclusive results where

earlier tests had been inconclusive. Thus, requests for postconviction DNA testing could be expected both in cases in which no testing had occurred and in cases in which newer, more sophisticated testing might yield different, conclusive results. The report notes that over 60 convictions in the U.S. had been vacated on the basis of DNA testing, nearly half coming after 1996.

The recommended guidelines in *Postconviction DNA Testing* are intended to form a scientific ground on which to make fully informed decisions and develop the necessary legal approaches when postconviction DNA testing is requested, and are based on the working group's "consensus on how defense counsel, prosecutors, judicial officers, victims' advocates, and DNA laboratories can respond effectively at the various stages of a postconviction request for DNA testing." The guidelines encourage cooperation between these entities when DNA testing may be determinative of innocence, and conversely discourage filing of DNA-based appeals when a DNA exclusion would be of no value in determining actual innocence.

Chapter 1 presents a framework for analyzing requests for postconviction DNA testing. Five broad case categories are set out, with the caveats that a case may be recategorized where new information, evidence, or technology becomes available, and that the boundaries between categories will not always be clear or undisputed. The categories range from Category 1, cases in which exclusionary test results will be determinative of innocence and both prosecutor and defense counsel agree on the need for DNA testing, to Category 5, cases in which false claims of innocence are made and both counsel agree that testing is not warranted. In between are cases in which test results alone will not be determinative of innocence, in which testing will be inconclusive due to the present state of evidence or technology, and in which testing will be impossible because crime scene

samples were never collected, were destroyed, or cannot be located.

Chapters 2 and 3 provide overviews of the applicable law and scientific concepts of DNA testing, and are followed by separate chapters discussing the roles, needs, and responsibilities of prosecutors, defense attorneys, the judiciary, forensics laboratories, and victim advocates, and laying out the recommended guidelines.

Interestingly, the report concludes that the need for postconviction DNA testing will decline over time. The working group believes that DNA testing technology is constantly being improved, and within a decade, "testing with highly discriminatory results will be performed in all cases in which biological evidence is relevant, and advanced technologies will become commonplace in all laboratories." The report notes as an example that databases of convicted offenders and databases of probative samples from unsolved crimes are rapidly developing, and will be "especially helpful for linking previously unrelated cases and for screening a large number of known individuals already convicted of a crime."

Indigent Defense and Technology: A Progress Report

<http://www.ncjrs.org/courdocs.htm#179003>

It is often said, and sometimes shown, that technology is changing the way we work. This November, 1999 *Bureau of Justice Assistance* (BJA) special report on the use and impact of technology in public defender offices says at the outset that little is known about how technology and information integration are affecting "the broader issues of case processing and client representation," and asks if technology is improving case processing and quality of representation, or if equipment, training, and information systems maintenance costs are draining resources without significantly benefitting attorneys or clients.

The BJA surveyed public defender offices throughout the United States on the availability and use of technologies ranging from fax machines to online research, document management, multimedia evidentiary presentation tools, and system-wide integrated information systems. Of the 52 public defender programs responding to the survey, the clear majority believed that over the past 5 years, technology had improved quality of representation. The BJA agreed that technology is improving client access to attorneys, attorney access to legal information and routine pleadings, case information management, and attorneys' presentation of evidence in court. From both the survey results and brief case studies of public defender offices in California (Marin County), Florida (Orange County), Michigan, New York (Bronx County), Rhode Island, Tennessee (Knoxville), and West Virginia, the report concludes that technology clearly is changing how public defenders and support staff work.

The report also concludes, however, that in most areas of the country, public defenders' ability to use technology effectively is limited by disparities in resources and technological expertise, both within local justice systems and between public defender agencies within the same state. In many public defender offices, survey respondents reported that available technology is not used effectively, or is not used at all, because their offices do not provide adequate training or access to new information systems after they are implemented.

BJA found that the most technologically effective public defender offices train all staff to use new technologies; employ an information specialist to manage information systems; network with other public defenders and information specialists to avoid duplicating resources and experiences; engage in office-wide

evaluation of current and future needs; and build support from local elected and criminal justice system officials to secure both general fund appropriations and new sources of funding. The study also points out that local justice systems "work most efficiently when the agencies that compose them operate with parity in staffing and technological resources."

Indigent Defense and Technology is available both as an ASCII text file and in PDF format.

In the Courts

***Jane Does 1, 2, 3, 4, 5, 6, and 7 v. State of Oregon*, No. 98C-20424; CA A107235 (Oregon Court of Appeals, December 29, 1999).**

<http://www.publications.ojd.state.or.us/A107235.htm>

***Doe v. Sundquist*, No. 01S01-9901-CV-00006 (Tennessee Supreme Court, September 27, 1999).**

<http://www.tsc.state.tn.us/OPINIONS/TSC/Sc3qtr99.htm>

In these two recent decisions, appellate courts in Oregon and Tennessee have upheld the constitutionality of state statutes that provide adopted children a right of access to their birth certificates and adoption records.

In the Oregon *Jane Does* case, plaintiffs, women who had surrendered their children for adoption between 1960 and 1994, sought to have a 1998 voter-enacted initiative, Measure 58, declared invalid and to enjoin the state from implementing it. Under Measure 58, adoptees over the age of 21 were allowed to gain access to their original birth certificates, and thus to determine the identities of their birth mothers. The plaintiffs asserted that they were promised by the private hospitals and adoption agencies that facilitated their adoptions that under Oregon law, their identities would be kept confidential. The plaintiffs argued that Measure 58 impaired their adoption contracts in violation of the

contracts clauses of the Oregon and federal constitutions, and also violated their privacy rights under both constitutions. The trial court held that Oregon laws before Measure 58 was enacted had not provided such assurances of confidentiality, and granted summary judgment for the defendants.

In the Court of Appeals, the plaintiffs asserted that the birth records confidentiality laws in place before the enactment of Measure 58 formed contractual obligations binding on succeeding lawmakers. In particular, plaintiffs relied on a policy statement in a 1983 voluntary registration law that "fully recognizes the right to privacy and confidentiality of birth parents whose children were adopted, the adoptees and the adoptive parents."

On the impairment of contract argument, the Court of Appeals framed the issue as whether prior statutory provisions created a contract between the state and the birth mothers, and whether a guarantee of confidentiality of the birth mothers' identities was a material term of that contract. The Court held that the prior statutes governing adoption records and birth certificates did not unambiguously express a legislative intent to enter into a "statutory contract with birth mothers to prevent the disclosure of their identities to their adopted children without their consent." The Court noted that the prior law governing confidentiality of adoption records had been amended regularly to provide varying degrees of confidentiality, and that at no time had adoption laws prevented all dissemination of information as to the identities of birth mothers, or required the consent of, or notice to, a birth mother before allowing the opening of adoption records.

Moreover, said the Court, prior laws had not demonstrated a legislative intent to "elevate considerations of a birth mother's desire for confidentiality over the legitimate needs of other interested parties."

The Court also reject plaintiffs' argument that the promises allegedly made to them by private religious, medical, and social service adoption agencies were binding on the state.

As to plaintiffs' argument that Measure 58 unconstitutionally invaded privacy and confidentiality rights guaranteed them by the Oregon Constitution, the Court held that nothing in the state's constitution lent support to the argument that there was an intent to confer on birth mothers a fundamental "constitutional right to conceal their identities from their children."

On similar grounds, the Court also rejected plaintiffs' federal constitution arguments, and affirmed the trial court's decision.

In *Sundquist*, the Tennessee Supreme Court had to decide whether legislation allowing disclosure of sealed adoption records to adopted persons over the age of 21 impaired vested rights of birth parents who surrendered children under prior laws, and thus constituted retrospective legislation in violation of the Tennessee Constitution, and whether the legislation violated birth parents' right to privacy under the Tennessee Constitution. The trial court dismissed the plaintiffs' action for injunctive and declaratory relief, holding that the legislation did not impair the plaintiffs' vested rights or their rights to privacy. The Court of Appeals, however, reversed the trial court's judgment, holding that plaintiffs had a reasonable expectation that adoption records would not be released or that any identifying information would remain confidential, and that retrospective application of the legislation therefore impaired their vested rights.

The 1995 Tennessee legislation in question made all adoption records available to adopted persons over the age of 21 or their

representatives, and also provided for a "contact veto," under which a parent, sibling, spouse, etc. could register to prevent contact by the adopted person. In analyzing the plaintiffs' argument that the statute retrospectively impaired vested rights, the Supreme Court examined several factors: whether the public interest is advanced; whether the retroactive provision gives effect to or defeats *bona fide* intentions or reasonable expectations of the affected persons; whether the statute surprises persons who have long relied on contrary provisions; and the extent to which a statute is procedural or remedial.

The Court found that the 1995 legislation was clearly related to achieving legitimate goals in the public interest. Moreover, the Court found that the plaintiffs had no reasonable expectations confidentiality of affected persons, and could have no surprise based on reliance upon prior contrary state of the law. The Court stated that the Court of Appeals erred in finding a reasonable expectation of privacy, because the history of the state's adoption laws showed that there had never "been an absolute guarantee or even a reasonable expectation by the birth parent or any other party that adoption records were permanently sealed. In fact, reviewing the history of adoption statutes in this state reveals just the opposite." Finally, the Court concluded that the 1995 legislation was both procedural and remedial, creating no new rights and allowing no new access to any records that previously were not to be released.

The Court also held that disclosure of adoption records did not invade plaintiffs' constitutional rights to familial and procreational privacy. The Court stated that "the disclosure provisions reflect the legislature's determination that allowing limited access to adoption records is in the best interest of both adopted persons and the public. The provisions do not, however, allow unfettered access in disregard of the sensitivities and privacy interests involved. To the

contrary, disclosure is limited to an adopted individual or that individual's legal representative, 21 years of age or older." The Court also noted that the legislation provided for a "contact veto," allowing birth parents or related individuals to eliminate or reduce the risk that disclosure of identifying information would have a disruptive effect upon their lives. And, the Court held that the prospect of having adoption records released to the child 21 years later was far too speculative to be considered an interference with the right to procreational privacy.

Accordingly, the Court reversed the Court of Appeals judgment and reinstated the judgment of the trial court.

New in the Library

□ Book Reviews

Poster, Rick. *The Arizona DUI Trial Book: A Reference of Cases and Other Material*. State Bar of Arizona, Continuing Legal Education, 1999. KFA 2497.8 .A9 A75 1999.

Poster, a Deputy Maricopa County Attorney, has compiled this manual of case references on all aspects of the Arizona DUI laws. Annotations to nearly 300 Arizona DUI cases are provided for subjects ranging from alcohol tests, evidence, and MVD records to plea bargaining, sentencing, and worker's compensation. The subjects are listed alphabetically. Large subjects are divided into specific subheadings; Alcohol Testing, for example, is broken down to include Advice to Suspect, Choice of Test, Refusal, Waiver, and so on.

Appendices include Arizona DUI Laws and relevant DHS regulations and forms. Two sets of sample voir dire questions are included: one for cases where the court allows the attorney to conduct voir dire, and one for cases where the court conducts general voir dire, then allows the attorney to ask specific voir dire questions.

Sample direct questions are included for police officers, experts, and other witnesses, including questions on police reports, initial observations of the defendant, signs of intoxication, field sobriety tests, breath and blood tests, accuracy of tests, and effects of alcohol on a driver. A table of cases and authority provides references to all cases and attorney general opinions cited in the manual.

The looseleaf binding, clean page design and alphabetical format make the book easy to use. Two small complaints: the foreword is mislabeled as "forward," and the witness questions in the Appendix 4 are worded as questions, but punctuated as sentences. ("Have you ever been a member of any DUI squad. Which one.") This format is jarring to the reader.

The Law Library owns several copies of this book. A circulating copy is available at the main library and at the Southeast library.

□ Recent Articles: Death Penalty Cases

Asseo, Laurie. "Executions Near Record Numbers; More in 1999 Than in Almost 50 Years." *State Journal-Register* 26 (September 28, 1999).

Chazin, Seth P. "The Ultimate Price: Who Will Stop Time for the Innocent Who Languish on Death Row?" 112 *Los Angeles Daily Journal* 6 (August 18, 1999).

Cheek, Duren. "Poll: 7 Out of 10 Support Death Penalty." *Tennessean* 1A (October 19, 1999).

"Death Penalty Decisions Crucial; High Court on Track for Four Key Rulings." *Cincinnati Post* 2A (November 11, 1999).

Durand, Mary Patricia. "Mitigation in Death Penalty Cases." *The Defender* 14 (October 1999).

Feldman, Jessica. "A Death Row

Incarceration Calculus: When Prolonged Death Row Imprisonment Becomes Unconstitutional." 40 *Santa Clara Law Review* 187 (1999).

"Florida Law Speeds Up Execution Process." *Times Union* A3 (January 8, 2000).

Freedberg, Sydney P. "After 24-Year Wait, Is Execution too Cruel?" *St. Petersburg Times* 1A (November 5, 1999).

Greenhouse, Linda. "Federal Courts' Power in Death Penalty Cases is Reviewed." *New York Times* A20 (October 5, 1999).

Gribbin, August. "Capital Punishment Still Favored by Americans." *Washington Times* C5 (August 15, 1999).

Grossfeld, Stan. "Kids on Death Row: Critics Blast U.S. Record: Leading World in Executing Juveniles." 112 *Los Angeles Daily Journal* 4 (December 1, 1999).

Jackson, Herb. "Court Streamlines Death Penalty Appeals." *The Record* A03 (August 6, 1999).

Jennings, Daniel G. "Defender Sues to Halt Trying Capital Cases." 112 *Los Angeles Daily Journal* 3

King, Rachel and Katherine Norgard. "What About Our Families? Using the Impact on Death Row Defendants' Family Members as a Mitigating Factor in Death Penalty Sentencing Hearings." 26 *Florida State University Law Review* 1119 (Summer 1999).

Kroll, Michael. "U.S. Death Penalty Is Antiquated." 112 *Los Angeles Daily Journal* 6 (July 16, 1999).

"Law Creates Legal Fund for Death Penalty Cases." *Chicago Sun-Times* 15 (August 17, 1999).

Murray, Frank J. "Death-Row Foes Cite 'Innocents' But Freeing Some No Proof Others Die Wrongfully." *Washington Times* C4 (September 12, 1999).

Platania, Judy and Gary Moran. "Due Process and the Death Penalty: The Role of Prosecutorial Misconduct in Closing Argument in Capital Trials." 23 *Law & Human Behavior* 471 (1999).

Romero, Heather. "Deadly Year on Death Row: State's 6 Executions Rank 4th in Nation." *Arizona Republic* A1 (September 28, 1999).

Sauer, Mark. "Justice & Gender Attitudes Are Changing About Putting Women to Death." *San Diego Union-Tribune* D-1 (October 31, 1999).

Smith, Clive A. Stafford and Remy Voisin Starns. "Folly by Fiat: Pretending that Death Row Inmates Can Represent Themselves in State Capital Post-Conviction Proceedings." 45 *Loyola Law Review* 55 (1999).

Stepzinski, Teresa. "'The Meter Never Stops Running' on Cost of Death Penalty Cases." *Florida Times-Union* A-1 (October 10, 1999).

Swope, Christopher. "Stay of Execution: Emboldened by the Release of Innocent Inmates From Death Row, Capital Punishment Opponents Are Pushing Hard for a Moratorium." 12 *Governing* 36 (August 1999).

Tabak, Ronald J. "Racial Discrimination in Implementing the Death Penalty." 26 *Human Rights* 5 (Summer 1999).

Weiss, Kenneth J. "Waiving Death Row Appeals: Whose Right Is it Anyway?" 27 *Journal of the American Academy of Psychiatry and the Law* 471 (1999).

"The Young and the Innocent; Only Six Nations Apply the Death Penalty to Juveniles; The U.S. is One of Them." *Des Moines Register* 8 (January 8, 2000).

□ Bibliography: Unified Family Courts

Ackermann, Matt. "Justices

Underscore Expertise of Family Court Judges." 152 *New Jersey Law Journal* 5 (June 8, 1998).

Ahlgrimm, John C. "Supreme Court Rule 35: Judicial Rotation." 57 *Wisconsin Bar Bulletin* 23 (September 1984).

Ainsworth, Janet E. "Youth Justice in a Unified Court: Response to Critics of Juvenile Court Abolition." 36 *Boston College Law Review* 927 (1995).

Babb, Barbara A. "A Family Court for Maryland: The Time Has Come." 25 *Maryland Bar Journal* 16 (November/December 1992).

Babb, Barbara A. "Fashioning an Interdisciplinary Framework for Court Reform in Family Law: A Blueprint to Construct a Unified Family Court." 71 *Southern California Law Review* 469 (1998.)

Babb, Barbara A. "Where We Stand: An Analysis of America's Family Law Adjudicatory Systems and the Mandate to Establish Unified Family Courts." 32 *Family Law Quarterly* 31 (Spring 1998).

Bachman, L. Kent. "Juvenile Court: A Future or an End in a Family Court." 6 *Utah Bar Journal* 29 (December 1993).

Bailey, David. "Unified Family Court Applauded - As a Concept." 139 *Chicago Daily Law Bulletin* 1 (August 11, 1993).

Barnes, Patricia G. "It May Take a Village . . . Or a Specialized Court to Address Family Problems." 82 *ABA Journal* 22 (December 1996).

Bird, Kathleen. "New Rotation Policy Creates Quite a Stir: Wilentz Is Putting Judges on the Move." 121 *New Jersey Law Journal* 1 (April 28, 1988).

Bohlman, Bruce E. "A Family Court for North Dakota." 67 *North Dakota Law Review* 353 (1991).

Boudreau, Mary E. and Regnal W. Garff. "The Family Court Issue: A Vital Question Quietly Visits Utah's Judicial Council." 12 *Utah Bar Journal* 18 (June/July 1999).

Carrasco, Jeremy W. "California's Fourth District Court of Appeal and the Jurisdictional Conflict Between the Family Law and Juvenile Courts in Child Custody Disputes." 15 *Journal of Juvenile Law* 94 (1994).

Casey, Pamela. "Court Populations in Need of Services: Defining the Court's Role." 16 *Behavioral Sciences & the Law* 157 (Spring 1998).

Castellano, Maureen. "Judiciary Pulls Back on Rotation Policy." 145 *New Jersey Law Journal* 5 (August 5, 1996).

"Community Court Watch II: A Study of Bergen County Family Court System and the Enforcement of the State of New Jersey Prevention of Domestic Violence Act." 17 *Women's Rights Law Reporter* 79 (Winter 1995).

Dickey, Anthony. "Jurisdiction Without Tears: A Guide to the Jurisdiction of the Family Court of Western Australia." 24 *University of Western Australia Law Review* 17 (July 1994).

Domitrovich, Stephanie. "Utilizing an Effective Economic Approach to Family Court: A Proposal for a Statutory Unified Family Court in Pennsylvania." 37 *Duquesne Law Review* 1 (Fall 1998).

Dunford-Jackson, Billie Lee, Loretta Frederick, Barbara Hart and Meredith Hofford. "Unified Family Courts: How Will They Serve Victims of Domestic Violence?" 32 *Family Law Quarterly* 131 (Spring 1998).

Edwards, Leonard P. "Relationship of Family and Juvenile Courts in Child Abuse Cases (Symposium: Juvenile Law, California)." 27 *Santa Clara Law Review* 201 (1987).

Exploring Maine's Future: Symposiums on Court Structure [Pros

and Cons of a Unified Trial Court: A Family Court for Maine?]. Portland, ME: Commission to Study the Future of Maine's Courts, Maine State Bar Association, 1992.

Flango, Victor Eugene and H. Ted Rubin. "How is Court Coordination of Family Cases Working?" 33 *Judges Journal* 10 (Fall 1994).

Folberg, Jay. "Family Courts: Assessing the Trade-offs." 37 *Family and Conciliation Courts Review* 448 (October 1999).

Foreman, Hon. John. "It's Time for a Specialized Children's Court." 33 *Arizona Attorney* 15 (November 1996).

Gibeaut, John. "ABA Backs Unified Family Courts." 83 *ABA Journal* 58 (December 1997).

Gottlieb, Henry. "Judge Rotation: A Family Affair." 136 *New Jersey Law Journal* 1 (January 31, 1994).

Gottlieb, Henry. "Keeping it in the Family." 137 *New Jersey Law Journal* 1 (August 8, 1994).

Gottsfeld, Hon. Robert. "Superior Court - Family Division: It's Time for Specialized DR/Juvenile Judges in Populous Counties." 33 *Arizona Attorney* 14 (November 1996).

Hallmark, Linda Saoud. "The New Family Division in Michigan." 76 *Michigan Bar Journal* 956 (September 1997).

Hammer, Philip L. "Santa Clara's Family Court is a Model, Not a Disgrace." 101 *Los Angeles Daily Journal* 4 (January 15, 1988).

Hardenbergh, Don and H. Ted Rubin. *Feasibility Study for a Family Court, Jefferson Parish District Court and Juvenile Court, Gretna, Louisiana*. Williamsburg, VA: National Center for State Courts, 1988.

Hardin, Mark. "Child Protection Cases in a Unified Family Court." 32 *Family Law Quarterly* 147 (Spring 1998).

Harrison, Margaret. "Non-judicial Services and the Family Court." 11 *Australian Journal of Family Law* 245 (December 1997).

Hurst, E. Hunter and Jeffrey A. Kuhn. *The Corporation for Change: A Partnership for Investing in the Future of Kansas Children and Families: A Family Department for the District Court of Kansas, Recommendations for Implementation*. Pittsburgh: National Center for Juvenile Justice, 1993.

Hurst, Hunter. "Judicial Rotation in Juvenile and Family Courts: A View from the Judiciary." 42 *Juvenile & Family Court Journal* 13 (1991).

Hurst, Hunter, Hunter Hurst, Jr. and Lori P. Adamcik. *Shaping a New Order in the Court, A Sourcebook for Juvenile and Family Court Design*. Pittsburgh: National Center for Juvenile Justice, 1992.

Hurst, Hunter Jr., Linda A. Szymanski. *Family Courts in the United States, 1996: Statute, Court Rule, and Practice Analysis: Technical Assistance Monograph*. Pittsburgh: National Center for Juvenile Justice, 1996.

Introductory Guide to the New York City Family Court.
<<http://ucs.ljx.com/famhome.htm>>

Johnson, James B. and Philip E. Secret. "The Effects of Court Structure on Juvenile Court Decisionmaking." 23 *Journal of Criminal Justice* 63 (January-February 1995).

Jordan, Hallye. "One Big Family Court? A Proposal to Create a New Division in the Superior Courts May Not Be Such a Hot Idea." 10 *California Lawyer* 36 (January 1990).

Katz, Sanford N. and Jeffrey A. Kuhn. *Recommendations for a Model Family Court*. Reno, NV: National Council of Juvenile and Family Court Judges, 1991.

Kaufman, Bruce. "Do Improvements of Family Courts Help Participants?" 19 *National Law Journal* C6 (August 8, 1997).

Kaye, Judith S. and Jonathan Lippman. "New York State Unified Court System: Family Justice Program." 36 *Family and Conciliation Courts Review* 144 (April 1998).

King, Donald B. "Save the Court, Save the Family; Judicial Case Management Is the Key to Separating Couples in a More Sensitive and Less Costly Way." 12 *California Lawyer* 42 (January 1992).

Kirkendall, John N. "Setting Up a Family Court." 11 *American Journal of Family Law* 233 (Winter 1997).

Kuhn, Jeffrey A. "A Seven-Year Lesson on Unified Family Courts: What We Have Learned Since the 1990 National Family Court Symposium." 32 *Family Law Quarterly* 67 (Spring 1998).

Lussier, Richard J. "Integration of Family Matters into the Jurisdiction of the Connecticut Probate Courts: Feasible or Fantasy?" 8 *Connecticut Probate Law Journal* 305 (Spring 1994).

Melton, Gary B. "Children, Families, and the Courts in the Twenty-first Century." 66 *Southern California Law Review* 1993 (July 1993).

Messinger, Steven J. "On Moving Toward a Family Court in Georgia Without the Need for Constitutional Revision." 12 *Georgia State University Law Review* 667 (April 1996).

Milne, Anne L. "Family Law from a Family System Perspective - The Binary Equation (Recommendations from *Families in Court: A National Symposium*)." 21 *Pacific Law Journal* 933 (July 1990).

Mosten, Forrest S. "Mediation and the Process of Family Law Reform." 37 *Family and Conciliation Courts Review* 429 (October 1999).

O'Neil, Hon. William J. and Hon. Barry C. Schneider. "Recommendations of the Committee to Study Family Issues in the Arizona Superior Court: A Family Court System." 37 *Family and Conciliation Courts Review* 179 (April 1999).

Page, Robert W. "Family Courts: An Effective Judicial Approach to the Resolution of Family Disputes." 44 *Juvenile & Family Court Journal* 3 (Winter 1993).

Payne, Julian D. "A Conceptual Analysis of Unified Family Courts: A Canadian Perspective." 20 *Conciliation Courts Review* 52 (June 1982).

Payne, Julian D. "Future Prospects for Family Conflict Resolution in Canada (Outlook for Changes in Family Law During the Next Decade and a Unified Family Court System)." 24 *Conciliation Courts Review* 51 (June 1986).

Poznanski, Margot Moore and Scott Bassett. "A Family Court for Michigan?" 66 *Michigan Bar Journal* 657 (July 1987).

Recommendation and Report on the Unified Family Court. Chicago: American Bar Association, 1994.

Ross, Catherine J. "The Failure of Fragmentation: The Promise of a System of Unified Family Courts." 32 *Family Law Quarterly* 3 (Spring 1998).

Rubin, H. Ted. *Court Coordination of Family Cases*. State Justice Institute, National Center for State Courts, 1992. (R-144)

Rubin, H. Ted. "Families in Court: Will a Family Court Do it Better?" 16 *Behavioral Sciences & the Law Spring* 169 (1998).

Rubin, H. Ted and Victor Eugene Flango. "Courts and Families: A Time of Change." 17 *State Court Journal* 27 (Summer-Fall 1993).

Schepard, Andrew. "Parental Conflict Prevention Programs and the Unified

Family Court: A Public Health Perspective." 32 *Family Law Quarterly* 95 (Spring 1998).

Shepard, Andrew. "Introduction to the Unified Family Courts." 217 *New York Law Journal* 3 (April 16, 1997).

Shepherd, Robert E. Jr. "The Unified Family Court: An Idea Whose Time Has Finally Come." 8 *Criminal Justice* 37 (Fall 1993).

Shoop, Julie Gannon. "Unified Family Court System Proposed to Help Children." 29 *Trial* 87 (November 1993).

Solender, Ellen K. "Report on Miscommunication Problems Between the Family Courts and Domestic Violence Victims." 19 *Women's Rights Law Reporter* 155 (Winter 1998).

Spencer, Gary. "Family Court Matters Open to Public." 217 *New York Law Journal* 1 (June 19, 1997).

Spencer, Gary. "Family Court Taping." 215 *New York Law Journal* 1 (March 27, 1996).

Stapleton, M.A. "Caution Urged on Creating Monolithic 'Family Court'." 141 *Chicago Daily Law Bulletin* 1 (January 19, 1995).

Stapleton, M.A. "Grant Proposal Aims for Unified Family Court." (Cook County Circuit Court, Illinois) 140 *Chicago Daily Law Bulletin* 1 (December 1, 1994).

Steel, Freda. "The Unified Family Court -- Ten Years Later." 24 *Manitoba Law Journal* 381 (1996).

Steinberg, David M. "Developing a Unified Family Court in Ontario." 37 *Family and Conciliation Courts Review* 454 (October 1999).

Steinberg, Ralph. "Family Law Divisions: An Alternative to a Separate Family Law Court System." 62 *Florida Bar Journal* 24

(July-August 1988).

Szymanski, Linda A., Theresa Homisak and Hunter Hurst. *Policy Alternative and Current Court Practice in the Special Problem Areas of Jurisdiction Over the Family*. Pittsburgh: National Center for Juvenile Justice, 1993.

Utah Family Court Task Force: Final Report To The Utah Judicial Council. Salt Lake City, UT: Administrative Office of the Courts, December 16, 1994.

<<http://courtlink.utcourts.gov/reports/FAMCTRPT/master.htm>>

Waterhouse, John and Lorraine Waterhouse. "Implementing Unified Family Courts: The British Columbian Experience." 4 *Canadian Journal of Family Law* 153 (October 1983).

Williams, Paul A. "A Unified Family Court for Missouri." 63 *UMKC Law Review* 383 (1995).

Wood, Erica F. and Lori A. Steigal. "Not Just for Kids: Including Elders in the Family Court Concept." 30 *Clearinghouse Review* 589 (October 1996).

□ Contributors

Editor: Susan Armstrong

Karen Anderson
Michelle Dyer-Hurdon
Corinne Guthrie
Valerie Lerma
Richard Teenstra